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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,540	07/25/2003	Paul H. Turner	019299-000930US	3581

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EXAMINER

WINNER, TONY H

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



## Office Action Summary

Application No.

10/627,540

Applicant(s)

TURNER ET AL.

Examiner

Tony H. Winner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 20-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 27 is/are allowed.
- 6) ☐ Claim(s) 20-24 and 26 is/are rejected.
- 7) ☐ Claim(s) 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED FINAL ACTION**

***Acknowledgment***

1. Receipt of the amendment filed 10/18/04 has been acknowledged and entered. New claim 27 has been added. In view of the amendment, the office is withdrawing all objections

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kroulik (US. patent Des. 412,972) and in view of Bidoia et al. (US. patent 4,893,384).

Kroulik discloses a releasable clamp system, comprising:

- a. a frame member defining a shape that is adapted to receive a portion of the wheel axle;
- b. a cover plate pivotally attached to the frame member that is adapted to receive another portion of the wheel axle, wherein the cover plate is movable between a closed position where the frame member and the cover plate generally encompass and clamp the wheel axle, and
- c. an open position that permits removal of the wheel axle;
- d. a lever ( 58) pivotally attached to the cover plate; and

e. a hook member (83) pivotally attached to the lever, where the hook member is configured to hook onto the frame member and be pulled by the lever to secure the cover plate to the frame member when the cover plate is moved to the closed position.

Kroulik lack the teaching of an adjustment system that is configured to adjust the clamping force applied to the axle by the frame.

Bidoia teaches a buckle device with an adjustable tensioning system so as to provide the buckle device with an appropriate tensioning force.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the clamp device of Kroulik as taught by Bidoia to include an adjustable tensioning system. Such a modification would provide the clamp device with a means to appropriately applied the tensioning force to the axle by the frame.

With respect to claims 21-24, Kroulik as modified by Bidoia discloses all of the claimed invention.

**Note:** 1. The recitation "for clamping a wheel axle of a wheel to a two wheeled vehicle" in the pre-ample is intended use and not taken as any positive limitations.

2. The examiner takes position that the word "**adapted**" is not a positive limitation but only requires the ability to so perform. Therefore, Chen meets all the functional language limitations in the broadest sense.

3. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kroulik as modified by Bidoia and further in view of Wells (US. patent 6,520,710 B2).

Kroulik as modified by Bidoia is disclosed above but lacks the teaching of a mount on the frame member.

Wells discloses a clamping mechanism with a mount (24) so as to provide a means for connecting/attaching other structure to its structure.

Based on the teaching of Wells, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the clamp device of Kroulik as modified by Bidoia to include the mount of Wells. Such a modification would provide the clamp device with a means to connecting/attaching other structure to its structure.

#### ***Response to Arguments***

4. Applicant's arguments filed 10/18/04 have been fully considered but they are moot in view of new ground of rejection.

#### ***Allowable Subject Matter***

5. Claim 25 would be allowable if rewritten to overcome the drawing objection and rejection under 35 U.S.C. 102, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

6. Claim 27 is allowed because the prior art neither shows nor teaches a releasable clamp system wherein a frame member is coupled to the front fork such that the frame member rests on a top portion of the wheel axle and in combination with other elements recited.

***Conclusion***

7. Applicant's amendment necessitated the new ground of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP, 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Anthony H. Winner whose telephone number is (703) 306-5957. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris, can be reached on (703) 308-0629. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

9. Information regarding the status of an application may be obtained from the Patent Application Information-Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
**TONY WINNER**  
**PATENT EXAMINER**

January 21, 2005